



Department of Energy

Richland Operations Office
P.O. Box 550
Richland, Washington 99352

00-RU-0531

Mr. Philip O. Strawbridge
Transition Manager
BNFL Inc.
2920 George Washington Way
Richland, Washington 99352

Dear Mr. Strawbridge:

REGULATORY UNIT (RU) COMMENTS ON BNFL RESPONSE TO RU SELF-ASSESSMENT AND CORRECTIVE ACTION INSPECTION REPORT, IR-00-004

- References:
- (1) BNFL letter CCN 013867 to D. C. Gibbs, RU, from A. J. Dobson, "...Response to Self-Assessment and Corrective Action Inspection Report, IR-00-004 (CCN 013762)," Dated July 14, 2000.
 - (2) DOE letter 00-RU-0402 to P. O. Strawbridge, BNFL, from D. C. Gibbs, "Regulatory Unit (RU) Self-Assessment and Corrective Action Inspection Report, IR-00-004," dated May 31, 2000.

Reference 1 contains the BNFL response to the Findings described in the Self-Assessment and Corrective Action Inspection Report, IR-00-004 (Reference 2). The RU reviewed BNFL's response to the Findings and concluded that the response was acceptable. The RU determined that the corrective actions proposed, if properly implemented, should address the Findings (IR-00-004-01-FIN, IR-00-004-02-FIN, and IR-00-004-03-FIN). The RU recognizes that the BNFL Contract is being terminated, and, as a result, BNFL does not intend to complete the proposed corrective actions.

In the response letter (Reference 1), BNFL indicated that the conditions described in the inspection Findings represent a noncompliance with DOE nuclear safety requirements and that these conditions are reportable externally under 10 CFR Part 820, Appendix A.. However, BNFL stated that due to the stop work order, a report to the Noncompliance Tracking System (NTS) would not be made. In accordance with DOE/RL-96-26, *Memorandum of Agreement for the Safety Regulation of the RPP-WTP Contractor*, the RU is required to inform the DOE Enforcement and Investigations staff of Contractor regulatory noncompliances (DOE/RL-96-26, Enclosure A, Section 2.2, item 4.b). Therefore, the RU will inform the DOE Enforcement and Investigations staff that these Findings indicate a "programmatic breakdown" with compliance with 10 CFR 830.120 (c) (1) (iii), "Quality Improvement." This issue appears to meet the NTS

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reporting criteria discussed in Section 3, "Criteria for Reporting Noncompliance," sub-Section 3.1.2, "Programmatic Breakdown," of DOE's Operational Procedure, "Identifying, Reporting, and Tracking Nuclear Safety Noncompliances under Price-Anderson Amendments Act of 1988," dated June 1998.

Nothing in this letter should be construed as changing the Contract (DE-AC27-96RL13308). If you have any questions regarding this letter, please contact me or Pat Carier of my staff on (509) 376-3574.

Sincerely,

D. Clark Gibbs, Regulatory Official
Office of Safety Regulation
of the RPP-WTP Contractor

REG: JWM

cc: M. P. DeLozier, CHG
S. Morgan, BNFL